

IN THE CLAIMS:

1. to 33. (Canceled)

34. (Currently Amended) A drug delivery device, comprising:

a substantially hollow, ~~rigid~~ container, said container being sized and adapted for insertion into a tissue or organ in vivo to within about 1 millimeter of a desired position within the tissue or organ, said container including

one or more openings therein, said openings being sized and arranged to provide for the controlled diffusion of a therapeutic agent out of said container, the therapeutic agent comprising (1) a nucleic acid sequence, protein, or polypeptide and (2) a radionuclide.

35. (Previously Presented) The drug delivery device of claim 34, wherein the container has a uniform cross-sectional area along a longitudinal axis.

36. (Previously Presented) The drug delivery device of claim 34, wherein said container is formed of a metal.

Serial No. 09/382,794

37. (Previously Presented) The drug delivery device of claim 36, wherein the metal is titanium.

38. (Canceled)

39. (Previously Presented) The drug delivery device of claim 34, wherein said openings are round holes.

40. (Canceled)

41. (Previously Presented) The drug delivery device of claim 34, wherein said container is substantially cylindrical in shape.

42. (Previously Presented) The drug delivery device of claim 41, wherein said openings are provided at respective ends of said cylindrical container.

43. (Previously Presented) The drug delivery device of claim 42, wherein said container has a length in the range of

Serial No. 09/382,794

0.002 to 3 inches, a diameter in the range of 0.004 to 4 inches, and a wall thickness in the range of 0.0005 to 0.5 inches.

44. (Previously Presented) The drug delivery device of claim 43, wherein said openings are round holes having an average diameter in the range of 0.002 to 0.2 inches.

45. to 70. (Canceled)